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MAILED

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OFFICE OF PETITIONS

In re Patent No. 7,578,940	:
Issued: August 25, 2009	: DECISION ON APPLICATION
Application No. 10/561,182	: FOR PATENT TERM ADJUSTMENT
Filed: December 16, 2005	:
Attorney Docket No. 10993.0261	:

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT-POST GRANT" filed October 26, 2009, requesting that the patent term adjustment determination for the above-identified patent be changed from three hundred twenty-five (325) days to four hundred thirty-five (435) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by four hundred thirty-four (434) days is **GRANTED to the extent indicated herein**.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on December 17, 2008, three years and one the national stage commenced under 35 USC 371(f), and ended on April 5, 2009, the day before the RCE was filed, and the B delay is 109 (not 110) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 434, not 435 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed from deposit account no. 06-0916. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred thirty-four (434) days**.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

A handwritten signature in black ink, appearing to read 'Anthony Knight', is written over the printed name.

Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT
UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,578,940 B2

DATED : August 25, 2009

INVENTOR(S) : Tomotaka Hashimoto

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (325) days

Delete the phrase "by 325 days" and insert – by 434 days--